

## REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated November 1, 2005.

Claims 1-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nielsen (U.S. 2001/0030663 A1), and further in view of Oosterholt (U.S. 2001/0008399 A1 ).

Reconsideration of the rejection is respectfully requested.

In the Response to Arguments of the Office Action, (paragraph 2, pages 2-3), the Examiner alleges that the web pages of Oosterholt are equivalent to the past-referred to file or past-referred to data of claims 1-33, (Office Action, page 3, lines 1-3), and that it is unclear what constitutes a normal operation mode, alleging that a mobile communication terminal in a "normal communication mode" is communicating, (Office Action, page 3, lines 8-13). Applicant respectfully disagrees with both allegations.

First, it is clear from the specification and the claims that a past-referred to file is distinct from past-referred to data, and that both past-referred to data and past-referred to files cannot be equivalent to the web pages of Oosterholt. The past-referred to data is data identified by reference information, (page 13, lines 3-19), while a past-referred to file is identified by a URL address, (specification, page 20, line 5 to page 21, line 1). Moreover, the claims indicate that such data is stored in the communication terminal, whereas the past-referred to file is stored in a computer device connected to the communication network, which is accessible to the communication terminal, (see independent claims 1, 12, and 23). In contrast, according to the Examiner, the web pages of Oosterholt are either available from a remote server or an internal storage medium, (Office Action, page 3, lines 5-7). Thus, the Examiner's conclusion that the web pages of Oosterholt are equivalent to a past-referred to file or past-referred to data of the instant claims is unsupported by the claims, when read in light of the specification.

Second, with regard to the Examiner's attempt to equate a "normal operation mode" with an alleged "normal communication mode," the Applicant asserts that all references to a "normal communication mode" were errors in the specification, and those references have been corrected by this amendment to either a "normal operation mode" or a "communication mode." It is clear from an exemplary portion of the specification referring to the normal operation mode, (page 13,

lines 3-19), and an exemplary portion of the specification referring to the communication mode, (page 20, line 5 to page 21, line 1), that both modes are distinct from each other because in the normal operation mode the past-referred to data is referred to by reference information, whereas the past-referred to files are referred to by URL addresses. In addition, a certain set of drawings is used to describe operations of referring to data when the mobile communication terminal is placed in the normal operation mode, namely, Figs. 1 and 2A, (specification, page 12, line 24, to page 13, line 2), and another set of drawings, Figs. 1, 4, and 5A, is used to describe the operation of referring to a file in the server by the mobile communication terminal placed in a communication mode, (specification, page 20, lines 5-8). Thus, it is clear that normal operation mode is a distinct state from the communication mode. In addition, there is no indication from the specification that the normal operation mode is a communication mode, other than the allegations of the Examiner concerning the erroneous references to a "normal communication mode," which have been corrected herein. Moreover, a "normal communication mode" is nowhere described in the specification, other than the erroneous references to a "normal communication mode."

In view of the above amendments and remarks, allowance of claims 1-33 is respectfully requested.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2006:

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

Signature

February 9, 2006

Date of Signature

Respectfully submitted,

Max Moskowitz

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700